

Senate File 62 - Introduced

SENATE FILE _____
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1021)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the duties and operations of the state board
2 of education, the department of education, and local school
3 boards.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1232SV 82
6 kh/je/5

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1 1 Section 1. Section 22.7, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Personal information in records regarding a student,
1 4 prospective student, or former student maintained, created,
1 5 collected or assembled by or for a school corporation or
1 6 educational institution maintaining such records. This
1 7 subsection shall not be construed to prohibit a postsecondary
1 8 education institution from disclosing to a parent or guardian
1 9 information regarding a violation of a federal, state, or
1 10 local law, or institutional rule or policy governing the use
1 11 or possession of alcohol or a controlled substance if the
1 12 child is under the age of twenty-one years and the institution
1 13 determines that the student committed a disciplinary violation
1 14 with respect to the use or possession of alcohol or a
1 15 controlled substance regardless of whether that information is
1 16 contained in the student's education records. This subsection
1 17 shall not be construed to prohibit a school corporation or
1 18 educational institution from transferring student records
1 19 electronically to the department of education, accredited
1 20 nonpublic schools, attendance centers, school districts, and
1 21 accredited postsecondary institutions in accordance with
1 22 section 256.9, subsection 52.

1 23 Sec. 2. Section 73.1, unnumbered paragraph 1, Code 2007,
1 24 is amended to read as follows:
1 25 Every commission, board, committee, officer, or other
1 26 governing body of the state, or of any county, township,
1 27 school district, or city, and every person acting as
1 28 contracting or purchasing agent for any such commission,
1 29 board, committee, officer, or other governing body shall use
1 30 only those products and provisions grown and coal produced
1 31 within the state of Iowa, when they are found in marketable
1 32 quantities in the state and are of a quality reasonably suited
1 33 to the purpose intended, and can be secured without additional
1 34 cost over foreign products or products of other states. This
1 35 section shall apply to horticultural products grown in this
2 1 state even if the products are not in the stage of processing
2 2 that the agency usually purchases the product. However, this
2 3 section does not apply to a school district purchasing food
2 4 while the school district is participating in ~~the~~ a federal
2 5 school lunch or breakfast program.

2 6 Sec. 3. Section 256.10, subsection 2, Code 2007, is
2 7 amended to read as follows:

2 8 2. Appointments to the professional staff of the
2 9 department shall be without reference to political party
2 10 affiliation, religious affiliation, sex, or marital status,
2 11 but shall be based solely upon fitness, ability, and proper
2 12 qualifications for the particular position. The professional
2 13 staff shall serve at the discretion of the director. ~~A member~~
~~2 14 of the professional staff shall not be dismissed for cause~~
~~2 15 without appropriate due process procedures including a~~
~~2 16 hearing.~~

2 17 Sec. 4. Section 256.11, subsection 5, paragraph g,

2 18 unnumbered paragraph 3, Code 2007, is amended to read as
2 19 follows:

2 20 The principal of the school shall inform the superintendent
2 21 of the school district or nonpublic school that the student
2 22 has been excused. Physical education activities shall
2 23 emphasize ~~leisure time~~ activities which ~~will benefit the~~
~~2 24 student outside the school environment and after graduation~~
~~2 25 from high school promote a lifelong healthy lifestyle.~~

2 26 Sec. 5. Section 256.11, subsection 13, paragraph a,
2 27 subparagraphs (1) and (2), Code 2007, are amended to read as
2 28 follows:

2 29 (1) Courses comprising the ~~limited program core academic~~
~~2 30 program described in subsection 5, paragraphs "a" through "f".~~

2 31 (2) Health and licensure requirements for personnel.

2 32 Sec. 6. Section 256B.6, Code 2007, is amended to read as
2 33 follows:

2 34 256B.6 PARENT'S OR GUARDIAN'S DUTIES == REVIEW.

2 35 1. When the school district or area education agency has
3 1 provided special education services and programs as provided
3 2 herein for any child requiring special education, either by
3 3 admission to a special class or by supportive services, it
3 4 shall be the duty of the parent or guardian to enroll ~~said the~~
3 5 child for instruction in such special classes or supportive
3 6 services as may be established, except in the event a doctor's
3 7 certificate is filed with the secretary of the school district
3 8 showing that it is inadvisable for medical reasons for the
3 9 child requiring special education to receive the special
3 10 education provided; all the provisions and conditions of
3 11 chapter 299 ~~and amendments thereto~~ shall be applicable to this
3 12 section, and any violations shall be punishable as provided in
3 13 ~~said chapter 299.~~

3 14 2. A child, or the parent or guardian of the child, or the
3 15 school district in which the child resides, may obtain a
3 16 review of an action or omission of state or local authorities
3 17 pursuant to the procedures established by the state board of
3 18 education on the ground that the child has been or is about to
3 19 be:

3 20 ~~1-~~ a. Denied entry or continuance in a program of special
3 21 education appropriate to the child's condition and needs.

3 22 ~~2-~~ b. Placed in a special education program which is
3 23 inappropriate to the child's condition and needs.

3 24 ~~3-~~ c. Denied educational services because no suitable
3 25 program of education or related services is maintained.

3 26 ~~4-~~ d. Provided with special education which is
3 27 insufficient in quantity to satisfy the requirements of law.

3 28 ~~5-~~ e. Assigned to a program of special education when the
3 29 child does not have a disability.

3 30 3. ~~When a child requiring special education attains the~~
3 31 ~~age of majority or is incarcerated in an adult or juvenile,~~
3 32 ~~state or local, correctional institution, all rights accorded~~

3 33 ~~to the parent or guardian under this chapter transfer to the~~
3 34 ~~child except as provided in this subsection. Any notice~~

3 35 ~~required by this chapter shall be provided to both the child~~
4 1 ~~who has reached the age of majority or is incarcerated in an~~

4 2 ~~adult or juvenile, state or local, correctional institution,~~
4 3 ~~and the parent or guardian. If rights under this chapter have~~

4 4 ~~transferred to a child and the child has been determined to be~~
4 5 ~~incompetent by a court or determined unable to provide~~

4 6 ~~informed educational consent by a court or other competent~~
4 7 ~~authority, then rights under this chapter shall be exercised~~

4 8 ~~by the person who has been appointed to represent the~~
4 9 ~~educational interest of the child.~~

4 10 4. Notwithstanding section 17A.11, the state board of
4 11 education shall adopt rules for the appointment of an
4 12 impartial administrative law judge for special education
4 13 appeals. The rules shall comply with federal statutes and
4 14 regulations.

4 15 Sec. 7. Section 257.6, subsection 1, paragraph c, Code
4 16 2007, is amended to read as follows:

4 17 c. Shared-time and part-time pupils of school age enrolled
4 18 in public schools within the district, irrespective of the
4 19 districts in which the pupils reside, in the proportion that
4 20 the time for which they are enrolled or receive instruction

4 21 for the school year is to the time that full-time pupils
4 22 carrying a normal course schedule, at the same grade level, in
4 23 the same school district, for the same school year, are
4 24 enrolled and receive instruction. Tuition charges to the

4 25 parent or guardian of a shared-time or part-time nonresident
4 26 pupil shall be reduced by the amount of any increased state
4 27 aid received by the district by the counting of the pupil.

4 28 This paragraph applies to pupils from accredited nonpublic

4 29 schools accessing classes or services on the accredited
4 30 nonpublic school premises or the school district site, but
4 31 excludes accredited nonpublic pupils receiving classes or
4 32 services funded by federal grants or allocations.

4 33 Sec. 8. Section 257.11, subsection 3, paragraph a, Code
4 34 2007, is amended to read as follows:

4 35 a. In order to provide additional funds for school
5 1 districts ~~which that~~ send their resident pupils and
5 2 nonresident pupils in attendance who are participating in open
5 3 enrollment under section 282.18 or under a whole grade sharing
5 4 agreement executed under sections 282.10 through 282.12 to a
5 5 community college for classes, a supplementary weighting plan
5 6 for determining enrollment is adopted.

5 7 Sec. 9. Section 257.11, subsection 3, paragraph b,
5 8 unnumbered paragraph 1, Code 2007, is amended to read as
5 9 follows:

5 10 If the school budget review committee certifies to the
5 11 department of management that the class would not otherwise be
5 12 implemented without the assignment of additional weighting,
5 13 pupils attending a ~~community college-offered class or~~
5 14 ~~attending a class taught by a community college-employed~~
5 15 ~~instructor that meets the requirements of this subsection are~~
5 16 assigned a weighting of forty-eight hundredths of the
5 17 percentage of the pupil's school day during which the pupil
5 18 attends such class in the community college or attends a class
5 19 ~~taught by a community college-employed instructor.~~ The
5 20 following requirements shall be met for the purposes of
5 21 assigning an additional weighting for classes offered through
5 22 a sharing agreement between a school district and community
5 23 college. The class must be:

5 24 Sec. 10. Section 257.11, subsection 3, paragraph b,
5 25 subparagraph (5), Code 2007, is amended to read as follows:

5 26 (5) Taught by a community college-employed instructor or
5 27 by a school district instructor for whose services the
5 28 community college has contracted specifically to teach the
5 29 course.

5 30 Sec. 11. Section 257.11, subsection 7, Code 2007, is
5 31 amended to read as follows:

5 32 7. PUPILS INELIGIBLE. ~~A pupil eligible for the weighting~~
5 33 ~~plan provided in section 256B.9 is not eligible for~~
5 34 ~~supplementary weighting pursuant to this section.~~ A pupil
5 35 attending an alternative program or an at-risk pupils'
6 1 program, including alternative high school programs, is not
6 2 eligible for supplementary weighting under subsection 2.

6 3 Sec. 12. Section 257.13, subsection 2, Code 2007, is
6 4 amended to read as follows:

6 5 2. The board of directors of a school district that wishes
6 6 to receive an on-time funding budget adjustment shall adopt a
6 7 resolution to receive the adjustment and notify the school
6 8 budget review committee by November ~~±~~ 15, annually. The
6 9 school budget review committee shall establish a modified
6 10 allowable growth in an amount determined pursuant to
6 11 subsection 1.

6 12 Sec. 13. Section 257.37, subsection 4, Code 2007, is
6 13 amended to read as follows:

6 14 4. "Enrollment served" means the basic enrollment plus the
6 15 number of nonpublic school pupils served with media services
6 16 or educational services, as applicable, except that if a
6 17 nonpublic school pupil or a pupil attending another district
6 18 under a whole grade sharing agreement or open enrollment
6 19 receives services through an area other than the area of the
6 20 pupil's residence, the pupil shall be deemed to be served by
6 21 the area of the pupil's residence, which shall by contractual
6 22 arrangement reimburse the area through which the pupil
6 23 actually receives services. Each school district shall
6 24 include in the enrollment report submitted pursuant to section
6 25 257.6, subsection 1, the number of nonpublic school pupils
6 26 within each school district for media and educational services
6 27 served by the area. However, the school district shall not
6 28 include in the enrollment report nonpublic school pupils
6 29 receiving classes or services funded by federal grants or
6 30 allocations.

6 31 Sec. 14. Section 259A.1, Code 2007, is amended to read as
6 32 follows:

6 33 259A.1 TESTS.

6 34 The department of education shall cause to be made
6 35 available for qualified individuals a high school equivalency
7 1 diploma. The diploma shall be issued on the basis of
7 2 satisfactory competence as shown by tests covering all of the
7 3 following: language arts == reading, arts, language arts, ==
7 4 writing, mathematics, science, and social studies.

7 5 Sec. 15. Section 259A.3, Code 2007, is amended to read as
7 6 follows:

7 7 259A.3 NOTICE AND FEE.

7 8 Any applicant who has achieved the minimum passing
7 9 standards as established by the department of education, and
7 10 approved by the state board of education, shall be issued a
7 11 high school equivalency diploma by the department upon payment
7 12 of an additional five dollars.

7 13 Sec. 16. Section 260C.35, unnumbered paragraph 2, Code
7 14 2007, is amended to read as follows:

~~7 15 With the approval of the director of the department of
7 16 education, the board of directors of a merged area at any one
7 17 time may sell any land in a single tract in excess of one
7 18 hundred sixty acres owned by the merged area, and an election
7 19 is not necessary in connection with the sale. The proceeds of
7 20 the sale may be used for any of the purposes stated in section
7 21 260C.22. This paragraph is in addition to any authority under
7 22 other provisions of law.~~

7 23 Sec. 17. Section 273.13, Code 2007, is amended to read as
7 24 follows:

7 25 273.13 ADMINISTRATIVE EXPENDITURES.

~~7 26 During the budget year beginning July 1, 1989, and the
7 27 three succeeding budget years, the board of directors of an
7 28 area education agency in which the administrative expenditures
7 29 as a percent of the area education agency's operating fund for
7 30 a base year exceed five percent shall reduce its
7 31 administrative expenditures to five percent of the area
7 32 education agency's operating fund. During each of the four
7 33 years, the board of directors shall reduce administrative
7 34 expenditures by twenty-five percent of the reduction in
7 35 administrative expenditure required by this section.~~

~~8 1 Thereafter, the An area education agency's administrative
8 2 expenditures shall not exceed five percent of the operating
8 3 general fund. Annually, the board of directors of an area
8 4 education agency shall certify to the department of education
8 5 the amounts of the area education agency's expenditures and
8 6 its operating general fund. For the purposes of this section,
8 7 "base year" and "budget year" mean the same as defined in
8 8 section 442.6, Code 1989, and section 257.2, and
8 9 "administrative expenditures" means expenditures for executive
8 10 administration.~~

8 11 Sec. 18. Section 279.30, Code 2007, is amended to read as
8 12 follows:

8 13 279.30 EXCEPTIONS.

~~8 14 Each payment must be made payable to the person entitled to
8 15 receive the money or direct deposited to an account at a
8 16 financial institution, as defined in section 527.2, specified
8 17 by the person entitled to receive the money. The board of
8 18 directors of a school district or an area education agency may
8 19 by resolution authorize the secretary, upon approval of the
8 20 superintendent or designee, or administrator, in the case of
8 21 an area education agency, to issue payments when the board of
8 22 directors is not in session in payment of reasonable and
8 23 necessary expenses, but only upon verified bills filed with
8 24 the secretary or administrator, and for the payment of
8 25 salaries pursuant to the terms of a written contract. Each
8 26 payment must be made payable only to the person performing the
8 27 service or presenting the verified bill, and must state the
8 28 purpose for which the payment is issued. All bills and
8 29 salaries for which payments are issued prior to audit and
8 30 allowance by the board must be passed upon by the board of
8 31 directors at the next meeting and be entered in the regular
8 32 minutes of the secretary.~~

8 33 Sec. 19. Section 279.33, Code 2007, is amended to read as
8 34 follows:

8 35 279.33 ANNUAL SETTLEMENTS.

~~9 1 At a regular or special meeting held on or after August 31
9 2 and prior to the organizational meeting held after the regular
9 3 school election, the board of each school corporation shall
9 4 meet, examine the ~~books~~ accounting records of and settle with
9 5 the secretary and ~~treasurer~~ auditor for the year ending on the
9 6 preceding June 30, and transact other business as necessary.
9 7 The ~~treasurer~~ auditor at the time of settlement shall furnish
9 8 the board with a statement from each depository showing the
9 9 balance then on deposit in the depository. If the secretary
9 10 or ~~treasurer~~ auditor fails to make proper reports for the
9 11 settlement, the board shall take action to obtain the balance
9 12 information.~~

9 13 Sec. 20. Section 279.42, Code 2007, is amended to read as
9 14 follows:

9 15 279.42 GIFTS TO SCHOOLS.

9 16 The board of directors of a school district ~~which that~~
9 17 receives funds through ~~gifts a gift, devises devise, and~~
~~9 18 requests or bequest~~ shall deposit ~~these the~~ funds in a trust
9 19 ~~and agency or permanent fund and shall use them the~~ funds in
9 20 accordance with the terms of the gift, devise, or bequest.

9 21 Sec. 21. Section 279.45, Code 2007, is amended to read as
9 22 follows:

9 23 279.45 ADMINISTRATIVE EXPENDITURES.
9 24 ~~For the budget year beginning July 1, 1989, and each of the~~
~~9 25 following three budget years, the board of directors of a~~
~~9 26 school district in which the administrative expenditures as a~~
~~9 27 percent of the school district's operating fund for a base~~
~~9 28 year exceed five percent, shall reduce its administrative~~
~~9 29 expenditures so that they are one-half percent less as a~~
~~9 30 percent of the school district's operating fund than they were~~
~~9 31 for the base year. However, a A~~ school district is not
9 32 required to reduce its administrative expenditures below five
9 33 percent of its operating fund. ~~Thereafter, a A~~ school
9 34 district shall not increase the percent of its administrative
9 35 expenditures compared to its ~~operating~~ general fund.

10 1 Annually, the board of directors shall certify to the
10 2 department of education the amounts of the school district's
10 3 administrative expenditures and its ~~operating~~ general fund.
10 4 For the purposes of this section, ~~"base year" and "budget~~
~~10 5 year" mean the same as defined in section 442.6, Code 1989,~~
~~10 6 and section 257.2, and "administrative expenditures" means~~
10 7 expenditures for executive administration.

10 8 Sec. 22. Section 282.1, unnumbered paragraph 1, Code 2007,
10 9 is amended to read as follows:

10 10 Persons between five and twenty-one years of age are of
10 11 school age. Nonresident children shall be charged the maximum
10 12 tuition rate as determined in section 282.24, subsection 1,
10 13 with the exception that those residing temporarily in a school
10 14 corporation may attend school in the corporation upon terms
10 15 prescribed by the board, ~~and boards. A school district~~
10 16 discontinuing grades under section 282.7, subsection 1 or
10 17 subsections 1 and 3, shall be charged tuition as provided in
10 18 section 282.24, subsection ~~2~~ 1.

10 19 Sec. 23. Section 282.18, subsection 4, Code 2007, is
10 20 amended by adding the following new paragraph:

10 21 NEW PARAGRAPH. bb. If a transfer is requested after March
10 22 1 of the preceding school year on behalf of a pupil whose
10 23 sibling is already participating in open enrollment to the
10 24 receiving district, the receiving district shall take action
10 25 to approve the request.

10 26 Sec. 24. Section 282.18, subsection 5, Code 2007, is
10 27 amended to read as follows:

10 28 5. Open enrollment applications filed after March 1 of the
10 29 preceding school year that ~~are not approved pursuant to~~
~~10 30 subsection 4, paragraph "bb" and do not qualify for good cause~~

10 31 as provided in subsection 4 shall be subject to the approval
10 32 of the board of the resident district and the board of the
10 33 receiving district. The parent or guardian shall send
10 34 notification to the district of residence and the receiving
10 35 district that the parent or guardian seeks to enroll the
11 1 parent's or guardian's child in the receiving district. A
11 2 decision of either board to deny an application filed under
11 3 this subsection involving repeated acts of harassment of the
11 4 student or serious health condition of the student that the
11 5 resident district cannot adequately address is subject to
11 6 appeal under section 290.1. The state board shall exercise
11 7 broad discretion to achieve just and equitable results that
11 8 are in the best interest of the affected child or children.

11 9 Sec. 25. Section 285.9, Code 2007, is amended by adding
11 10 the following new subsection:

11 11 NEW SUBSECTION. 5. Review all transportation disputes
11 12 between districts. If the affected districts are located in
11 13 more than one area education agency, the area education agency
11 14 in which the larger of the districts is located shall be the
11 15 reviewing agency. In resolving disputes between districts,
11 16 the reviewing agency board shall, after receiving all facts,
11 17 make such alterations or changes as necessary to make the
11 18 arrangements, designations, and contracts conform to the legal
11 19 and established requirements and shall notify each affected
11 20 local school board of such action. An affected district may
11 21 appeal the decision of the agency board to the director of the
11 22 department of education by following the timelines and
11 23 procedures in section 285.12.

11 24 Sec. 26. Section 291.1, Code 2007, is amended to read as
11 25 follows:

11 26 291.1 PRESIDENT == DUTIES.

11 27 The president of the board of directors shall preside at
11 28 all of its meetings, sign all contracts made by the board, and
11 29 appear ~~in~~ on behalf of the corporation in all actions brought
11 30 by or against it, unless individually a party, in which case
11 31 this duty shall be performed by the secretary. The president
11 32 or the president's designee shall sign, using an original or
11 33 facsimile signature, all school district ~~warrants payments~~
11 34 drawn and authorize electronic funds transfers as provided by
11 35 law. The board of directors, by resolution, may designate an
12 1 individual, who shall not be the secretary, to sign ~~warrants~~
12 2 payments or authorize electronic funds transfers on behalf of
12 3 the president.

12 4 Sec. 27. Section 291.6, subsection 3, Code 2007, is
12 5 amended by striking the subsection and inserting in lieu
12 6 thereof the following:

12 7 3. ACCOUNTING RECORDS. Keep an accurate accounting record
12 8 of each payment or electronic funds transfer from each fund
12 9 which shall be provided monthly to the board of directors.
12 10 The secretary of the creditor district shall prepare and
12 11 deliver to debtor districts an itemized statement of tuition
12 12 fees charged in accordance with sections 275.55A and 282.11,
12 13 and section 282.24, subsection 1.

12 14 Sec. 28. Section 291.6, subsection 4, Code 2007, is
12 15 amended to read as follows:

12 16 4. CLAIMS. Keep an accurate ~~account~~ accounting of all
12 17 expenses incurred by the corporation, and present the same to
12 18 the board for audit and payment.

12 19 Sec. 29. Section 291.7, Code 2007, is amended to read as
12 20 follows:

12 21 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

12 22 The secretary of each district shall file monthly with the
12 23 board of directors a complete statement of all receipts and
12 24 disbursements from ~~the various funds~~ each individual fund
12 25 during the preceding month, and also the balance remaining on
12 26 hand in ~~the various funds~~ each individual fund at the close of
12 27 the period covered by the statement, which monthly statements
12 28 shall be open to public inspection.

12 29 Sec. 30. Section 291.8, Code 2007, is amended by striking
12 30 the section and inserting in lieu thereof the following:

12 31 291.8 PAYMENTS.

12 32 The secretary shall make each authorized payment,
12 33 countersign using an original or facsimile signature, and
12 34 maintain accounting records of the payments or electronic
12 35 funds transfers, showing the number, date, payee, originating
13 1 fund, the purpose, and the amount; and shall provide to the
13 2 board at each regular annual meeting a copy of the accounting
13 3 records maintained by the secretary.

13 4 Sec. 31. Section 291.12, Code 2007, is amended to read as
13 5 follows:

13 6 291.12 DUTIES OF TREASURER == ~~PAYMENT OF WARRANTS~~
13 7 PAYMENTS.

13 8 The treasurer shall receive all moneys belonging to the
13 9 corporation, pay the same out only upon the order of the
13 10 president countersigned by the secretary, ~~keeping and shall~~
13 11 keep an accurate account accounting record of all receipts and
13 12 ~~expenditures in a book provided for that purpose.~~ The
13 13 treasurer shall register all ~~orders drawn payments and~~
13 14 electronic funds transfers made and reported to the treasurer
13 15 by the secretary, showing the number, date, to whom drawn, the
13 16 fund ~~upon from which drawn~~ each payment and transfer was made,
13 17 the purpose and amount.

13 18 Sec. 32. Section 291.14, Code 2007, is amended to read as
13 19 follows:

13 20 291.14 FINANCIAL STATEMENT.

13 21 The treasurer shall render a statement of the finances of
13 22 the corporation whenever required by the board, and the
13 23 treasurer's ~~books~~ accounting records shall always be open for
13 24 inspection.

13 25 Sec. 33. Section 298A.13, Code 2007, is amended to read as
13 26 follows:

13 27 298A.13 TRUST, PERMANENT, OR AGENCY FUNDS.

13 28 Trust, permanent, or agency funds shall be established by
13 29 any school corporation to account for gifts it receives to be
13 30 used for a particular purpose or to account for money and
13 31 property received and administered by the district as trustee
13 32 or custodian or in the capacity of an agent. Boards may
13 33 establish trust ~~and, permanent, or~~ agency funds as necessary.

13 34 Sec. 34. Section 299.1, unnumbered paragraph 2, Code 2007,
13 35 is amended to read as follows:

14 1 The board of directors of a public school district or the
14 2 governing body of an accredited nonpublic school may, by

14 3 resolution, require attendance for the entire time when the
14 4 schools are in session in any school year and adopt a policy
14 5 or rules relating to the reasons considered to be valid or
14 6 acceptable excuses for absence from school.

14 7 Sec. 35. Section 299A.11, Code 2007, is amended to read as
14 8 follows:

14 9 299A.11 STUDENT RECORDS CONFIDENTIAL.

14 10 Notwithstanding any provision of law or rule to the
14 11 contrary, personal information in records regarding a child
14 12 receiving competent private instruction pursuant to this
14 13 chapter, which are maintained, created, collected, or
14 14 assembled by or for a state agency, shall be kept confidential
14 15 in the same manner as personal information in student records
14 16 maintained, created, collected, or assembled by or for a
14 17 school corporation or educational institution in accordance
14 18 with section 22.7, subsection 1. For purposes of this
14 19 section, "personal information in records regarding a child
14 20 receiving competent private instruction" shall include the
14 21 child's name and home address, as well as all other
14 22 information that personally identifies the child.

14 23 Sec. 36. Section 301.28, Code 2007, is amended to read as
14 24 follows:

14 25 301.28 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND
14 26 SUPPLIES == PENALTY.

14 27 It shall be unlawful for any school director, officer, area
14 28 education director, or teacher to act as an agent for ~~any~~
14 29 school textbooks or school supplies in any transaction with
14 30 the directors, officers, or other staff members of the school
14 31 district or the directors, officers, or other staff members of
14 32 the area education agency in which the school district is
14 33 located during such term of office or employment, and any
14 34 school director, officer, area education director, or teacher,
14 35 who ~~shall act~~ acts as an agent or dealer in school textbooks
15 1 or school supplies, within the school district or area
15 2 education agency in which the school district is located
15 3 during the term of such office or employment, in violation of
15 4 this section shall be deemed guilty of a serious misdemeanor.

15 5 Sec. 37. Section 321.1, subsection 69, unnumbered
15 6 paragraph 1, Code 2007, is amended to read as follows:

15 7 "School bus" means every vehicle operated for the
15 8 transportation of children to or from school or school
15 9 activities, except vehicles which are:

15 10 Sec. 38. Section 321.1, subsection 69, paragraph d, Code
15 11 2007, is amended to read as follows:

15 12 d. Designed to carry not more than nine persons as
15 13 passengers, either school owned or privately owned, which are
15 14 ~~used to transport pupils to activity events in which the~~
~~15 15 pupils are participants or used to transport pupils to their~~
15 16 homes in case of illness or other emergency situations. The
15 17 vehicles operated under the provisions of this paragraph shall
15 18 be operated by employees of the school district who are
15 19 specifically approved by the local superintendent of schools
15 20 for the assignment.

15 21 Sec. 39. Section 321.373, subsection 1, Code 2007, is
15 22 amended to read as follows:

~~15 23 1. Every school bus except private passenger vehicles used~~
~~15 24 as school buses as defined in section 321.1, subsection 69,~~
15 25 shall be constructed and equipped to meet safety standards
15 26 prescribed in rules adopted by the state board of education.
15 27 Such rules shall conform to safety standards set forth in
15 28 federal laws and regulations and shall conform, insofar as
15 29 practicable, to the minimum standards for school buses
15 30 recommended by the national conference on school
15 31 transportation administered by the national commission on
15 32 safety education and published by the national education
15 33 association.

15 34 Sec. 40. Section 331.756, subsection 7, Code 2007, is
15 35 amended to read as follows:

16 1 7. Give advice or a written opinion, without compensation,
16 2 to the board and other county officers and to ~~school and~~
16 3 township officers, when requested by an officer, upon any
16 4 matters in which the state, county, ~~school~~, or township is
16 5 interested, or relating to the duty of the officer in any
16 6 matters in which the state, county, ~~school~~, or township may
16 7 have an interest, but the county attorney shall not appear
16 8 before the board at a hearing in which the state or county is
16 9 not interested.

16 10 Sec. 41. Sections 256.20 and 256.23, Code 2007, are
16 11 repealed.

16 12 EXPLANATION

16 13 This bill makes changes to Code provisions as follows:

16 14 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is
16 15 amended to establish that the provision does not prohibit a
16 16 school corporation or educational institution from
16 17 transferring student records electronically to other school
16 18 corporations or educational institutions in accordance with
16 19 the department of education's comprehensive management
16 20 information system and uniform coding and reporting system.

16 21 Code section 299A.11 is amended to provide that "personal
16 22 information in records regarding a child receiving competent
16 23 private instruction" includes the child's name and home
16 24 address, and any other information that personally identifies
16 25 the child.

16 26 PREFERENCES. Code section 73.1 is amended to expand an
16 27 exemption for school districts from a provision that requires
16 28 governing bodies in the state to use only those products and
16 29 provisions grown and coal produced within the state of Iowa
16 30 when they are found in marketable quantities, are of a
16 31 suitable quality, and are no more costly than products from
16 32 other states and countries. Currently, school districts
16 33 participating in the federal school lunch program are exempt.
16 34 The bill adds school districts participating in a federal
16 35 breakfast program to the exemption.

17 1 DEPARTMENTAL EMPLOYMENT OF PROFESSIONAL STAFF. Code
17 2 section 256.10, subsection 2, is amended by striking a
17 3 provision that prohibits the dismissal of a member of the
17 4 professional staff for cause without appropriate due process
17 5 procedures.

17 6 PHYSICAL EDUCATION ACTIVITIES. The bill amends Code
17 7 section 256.11, subsection 5, paragraph "g", unnumbered
17 8 paragraph 3, to strike from the physical education standards
17 9 for grades nine through 12, a requirement that physical
17 10 education activities emphasize leisure time activities. The
17 11 bill provides that the activities must promote a lifelong
17 12 healthy lifestyle.

17 13 COLLEGE PREPARATORY SCHOOLS. The bill amends Code section
17 14 256.11, subsection 13, paragraph "a", subparagraphs (1) and
17 15 (2), to require that college preparatory schools comply with
17 16 certain educational standards and that their staff meet the
17 17 licensure requirements established under the Code. The
17 18 educational standards include five units of science, five
17 19 units of social studies, six units of English-language arts,
17 20 four units of a sequential program in mathematics, two
17 21 additional units of mathematics, and four sequential units of
17 22 one foreign language. The schools are not required to meet
17 23 other educational standards, including standards for physical
17 24 education, vocational education, fine arts, or health.

17 25 SPECIAL EDUCATION RIGHTS AND DUTIES. Code section 256B.6
17 26 is amended to provide that when a child requiring special
17 27 education reaches the age of majority or is incarcerated in a
17 28 correctional institution, the rights of the child's parent or
17 29 guardian transfers to the child, and any notice to that
17 30 child's parent or guardian must also be provided to the child.
17 31 If the child is determined to be incompetent, these rights
17 32 shall be exercised by the person appointed to represent the
17 33 educational interest of the child.

17 34 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
17 35 257.6, subsection 1, paragraph c, is amended to specify that
18 1 accredited nonpublic school pupils receiving classes or
18 2 services funded by federal grants or allocations shall not be
18 3 counted in a school district's enrollment as shared-time or
18 4 part-time pupils. The bill makes a conforming change to Code
18 5 section 257.37, subsection 4.

18 6 SUPPLEMENTARY WEIGHTING. The bill amends Code section
18 7 257.11, subsection 3, paragraph a; paragraph b, unnumbered
18 8 paragraph 1; and paragraph b, subparagraph (5); and Code
18 9 section 257.11, subsection 7, to allow pupils participating in
18 10 open enrollment and pupils attending under a whole grade
18 11 sharing agreement to be counted for purposes of general
18 12 supplementary weighting for a school district; to provide for
18 13 supplementary weighting for classes taught not only by a
18 14 community college-employed instructor but also by a school
18 15 district instructor with whom the community college has a
18 16 contract to teach such classes; and to provide that pupils who
18 17 are eligible for special education weighting are also eligible
18 18 for supplementary weighting.

18 19 ON-TIME BUDGET ADJUSTMENT. Code section 257.13, subsection
18 20 2, is amended to extend to November 15 the annual date by
18 21 which the board of directors of a school district that wishes
18 22 to receive an on-time funding budget adjustment must adopt a
18 23 resolution to receive the adjustment and notify the school
18 24 budget review committee. The current date is November 1.

18 25 HIGH SCHOOL EQUIVALENCY DIPLOMAS. Code sections 259A.1 and
18 26 259A.3 are amended to specify that high school equivalency
18 27 diplomas can be issued only on the basis of competence in both
18 28 language arts reading and language arts writing, in addition
18 29 to the current requirements for competence in mathematics,
18 30 science, and social studies; and to make a technical change.
18 31 LIMITATION ON LAND. The bill amends Code section 260C.35,
18 32 unnumbered paragraph 2, to specify that the board of directors
18 33 of a community college may, at any one time and with the
18 34 approval of the director of the department of education, sell
18 35 any land in a single tract in excess of 160 acres without an
19 1 election.

19 2 ADMINISTRATIVE EXPENSES. Code sections 273.13 and 279.45
19 3 are amended by striking obsolete language, including replacing
19 4 the word "operating" with the word "general" to refer to the
19 5 fund an area education agency (AEA) or school district can use
19 6 for administrative expenditures.

19 7 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
19 8 279.30 is amended to allow the board of directors of a school
19 9 district or of an AEA to direct deposit a payment at a
19 10 financial institution specified by the person entitled to the
19 11 money. Code sections 279.33 and 291.1; Code section 291.6,
19 12 subsections 3 and 4; and Code sections 291.7, 291.8, 291.12,
19 13 and 291.14 are amended to replace references to "books",
19 14 "registers", and "warrants" with references to payments,
19 15 electronic funds transfers, and "accounting records" and to
19 16 make related changes. Code section 279.33 is also amended to
19 17 replace the word "treasurer" with "auditor".

19 18 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13
19 19 are amended to give school districts the option of
19 20 establishing a permanent fund for gifts received and to allow
19 21 school districts to deposit funds received from gifts,
19 22 devise, and bequests into a trust or permanent fund; and to
19 23 strike the word "agency" from section 279.42 as agency funds
19 24 are not used for deposit of gifts.

19 25 CODE CORRECTION. The bill makes corrections to Code
19 26 section 282.1 to change a reference, and to Code section
19 27 299.1, unnumbered paragraph 2, to refer to the board of
19 28 directors of a public school district.

19 29 OPEN ENROLLMENT BY SIBLING. Code section 282.18,
19 30 subsection 4, is amended to require that a receiving district
19 31 approve a transfer request submitted after March 1 of the
19 32 preceding school year if the sibling of the pupil for whom the
19 33 request is made is already participating in open enrollment to
19 34 the receiving district. The bill makes a conforming change to
19 35 Code section 282.18, subsection 5.

20 1 AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new
20 2 subsection 5 to Code section 285.9 to assign the duty of
20 3 reviewing and resolving all transportation disputes between
20 4 districts to the AEA boards.

20 5 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND SUPPLIES.
20 6 Code section 301.28 is amended to prohibit a school director,
20 7 officer, area education director, or teacher from acting as an
20 8 agent for school textbooks or school supplies in any
20 9 transaction with directors, officers, or staff of the school
20 10 district or the AEA in which the school district is located.
20 11 Currently, such persons are prohibited from acting as an agent
20 12 for any school textbooks or school supplies, rather than as an
20 13 agent for school textbooks or school supplies in any
20 14 transaction with the school district or AEA.

20 15 SCHOOL BUS DEFINITION. Code section 321.1, subsection 69,
20 16 is amended to add to the definition of "school bus", that the
20 17 term also includes a vehicle operated for the transportation
20 18 of children to or from school activities. Currently, the
20 19 definition is limited to transportation of children to or from
20 20 school. The bill makes a conforming amendment to Code section
20 21 321.373, subsection 1, to provide that every school bus,
20 22 including those used to transport students to school
20 23 activities, must be constructed and equipped to meet specified
20 24 safety standards.

20 25 DUTIES OF THE COUNTY ATTORNEY. The bill amends Code
20 26 section 331.756, subsection 7, which specifies the duties of
20 27 county attorneys, to eliminate a requirement that county
20 28 attorneys give advice or a written opinion, without
20 29 compensation, to school officers upon request.

20 30 YEAR AROUND SCHOOLS. The bill repeals Code section 256.20,
20 31 a provision which permitted school districts to request
20 32 approval from the state board of education for a pilot project
20 33 for a year around three-semester school year.

20 34 ADMINISTRATIVE ADVANCEMENT AND RECRUITMENT PROGRAM. The
20 35 bill repeals Code section 256.23, which establishes a

21 1 recruitment and advancement program to provide for the
21 2 allocation of grants to school corporations for pilot projects
21 3 that encourage the advancement of women and minorities to
21 4 administrative positions.
21 5 LSB 1232SV 82
21 6 kh:nh/je/5